excellent judicial officers, far better than the leaders of the bar. I have got concrete instances of men who have shone on the High Court Bench with lustre and brilliance and glory and honour.

Mr. A. V. Moothedan *(Chalakkudi):* There will be other cases also.

Mr. V. J. Mathai *(Planters):* I do not know what the other considerations are. If the members of the bar as well as members of the Government are entitled to it, why not fix it? There will be no dissatisfaction. This is what is being followed in the surrounding States without any harm to anybody. I therefore say for the good of the State, it is better that you fix a quota instead of leaving to the wayward impulses of the particular Government.

മിസ്റ്റർ സി. വി. ഇയ്യു: നമ്മുടെ രാജ്യം ചെറുതായതുകൊണ്ട് ഇങ്ങിനെയുള്ള തോതുവെച്ചാൽ നടക്കയില്ലെന്നു തോന്നുന്നില്ല. പ്രമോഷൻ കൊടുക്കുന്നതു് ഒരു ഒഴിവിലേക്കു മാത്രമേയുള്ളുവെങ്കിൽ ആ ഒന്നും അതിനു മുമ്പിൽനിന്നും പ്രമോട്ടചെയ്യണമെന്നുവെച്ചാൽ മതി. അങ്ങനെ രണ്ടു മജിസ്ട്രേട്മാരുണ്ടെങ്കിൽ അവരിൽ പ്രമോഷനു നിശ്ചയിച്ചു ഒഴിവുവരുമ്പോൾ ഏറ്റവും മീതെയുള്ള ആളുകളെ പ്രമോട്ടചെയ്താൽ മതി. പ്രമോഷനെറ കോട്ടാ ഇത്രയെന്നു നിശ്ചയിച്ചാൽ യാതൊരു കുഴപ്പത്തിനും വഴിയില്ല.

മിസ്റ്റർ ടി. പി. പൌലോസ്: ഡിസ്ട്രിക്ട് ജഡ്ജിമാരുടെ നിയമനങ്ങളും എത്രകൊല്ലം കൂടുമ്പോഴാണ് നടത്തുന്നതു്?

മിസ്റ്റർ സി. വി. ഇയ്യു: വക്കീലന്മാരെല്ലാം ഇതിനോടു നിഷ്പക്ഷത കാണിക്കുമെന്നാണു എനിക്കു തോന്നുന്നതു്.

മിസ്റ്റർ എ. വി. മൂത്തേടൻ: ഞാൻ ഒരു വക്കീലിൻെറ നിലയിലല്ല, കൌൺസിൽ മെമ്പറുടെ നിലക്കാണു് ഇതിനെപ്പറ്റി പറഞ്ഞിട്ടുള്ളതു്.

മിസ്റ്റർ സി. വി. ഇയ്യു: നിയമസഭാമെമ്പർമാരുടെ നിലയിൽതന്നെ വക്കീലന്മാർ ഇതിനെപ്പറ്റി ആലോചിക്കുമെന്നു് എനിക്കു ബോദ്ധ്യമുണ്ടു്. ബാറിൽനിന്നു് ആളെ എടുക്കുന്നതിൽ ഒരു ക്ലിപ്തം വെക്കണം. സമുദായപ്രാതിനിദ്ധ്യതത്വത്തിനു് ഇതു് എതിരല്ല. ഏതായാലും ഈ പ്രമേയം നിയമസഭാ മെമ്പർമാരുടേയും നിയമജ്ഞന്മാരായ സാമാജികന്മാരുടേയും നിഷ്പക്ഷ ബുദ്ധിക്കു വിട്ടുകൊണ്ടു് ഞാൻ ഇതു പ്രസ്സു ചെയ്യുന്നു.

Resolution put; 5 voted for and 5 against;
(Government remained neutral). The Chair gave
its casting vote against the Resolution
Resolution lost

RESOLUTION No. 26
Revision of the Tenancy Legislation

Mr. V. J. Mathai *(Planters):* Sir, I move the following resolution.—

"This Council recommends to the Government that early legislation may be taken up for revising the Tenancy Act with a view to make equitable to the tenants".

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At the fag end of the day, I do not wish to make a long speech. It has been found from experience that the Tenancy Act is inequitable. I myself was the mover of one or two Bills and one met with a very sad fate. The then Advocate-General remarked, I am not sure whether it is in the proceedings paper, that it is rather difficult to take up the Tenancy Act piece-meal. Messrs. Poulose and Iyyu also brought some Bills on the same subject, because it has been working hardship to the poor tenants. I shall take one concrete instance. I don't think it necessary to traverse upon this at great length. I shall take the case of renewal fee. There are now two Bills on the subject. There are very many difficulties facing them in the matter of an equitable arrangement on behalf of the tenant, and therefore I thought, instead of pressing these piece-meal amendments of the tenancy law, I would request the Government through this amendment to set right the law where justice demands it, and as a concrete instance, I will take up the renewal fee question.

Now, as everybody knows, the question of renewal fee is not fixed in relation to the income which you get from the property. Suppose property *A* yields only Rs. 10 income, and by some chance or other the tenant was obliged to pay one thousand rupees as *kanam* amount. I am only enlarging it. As per the law, you have to pay 27½ per cent as renewal fees, that is Rs. 275. I will take concrete instances. Though it is so far-reaching, it has come before the committee. One Mr. M. V. John, belonging to Urakam, has got 30 *paras* of paddy fields, on which he has paid Rs. 2,700 as പണയാത്തം. Under the amended law, this became a *kanam*. He has to pay renewal fees on Rs. 2,700 within every twelve years. I am only resuscitating one instance before the House to convince the House that amendment of the Tenancy Act is necessary. So far as the Government is concerned, I think Government also is in agreement with the view. The former Diwan President also seems to have been of that view. He was against piece-meal legislation for obvious reasons. When a non-official takes up tenancy law amendments, he is confronted with a number of difficulties. It is easier for a rich man to go through the eyes of a needle than for a non-official member to get a Bill passed. I shall press upon this House the vital necessity for improving and revising the tenancy legislation, in view of the tenancy legislation which has been taken up in the surrounding States, also. So far as Travancore is concerned, the relation between the tenant and the landlord has been settled, by what is known as the *Jenmi-kanam* settlement. That has been settled finally.

There arises another question, the question of payment in kind. That is another instance in which the revision of the tenancy law is absolutely essential. You have to pay in kind. Even on *parambas*

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you have to pay paddy. As a matter of fact you will find that even people who do not grow paddy, have to pay paddy. People who do not get one *para* of paddy from their fields have to pay under the law paddy itself. If payment in kind is enforced, the question of measure comes up. It is not a secret for this House that though the Weights and Measures Act has been passed, the *jenmis* have got *patta paras*. Without disparaging the *jenmis* and casting any aspersions on them, I should say that though the *jenmis* may not be aware of the fact, in measurement by certain manipulations, one *para* may take 11 or 12 *edangazhis* when paddy is poured with a basket very near the mouth of the *para*, and when put shoulder-high there is a difference, on account of the proper placing of the grains of paddy, and on account of the careful filling, in the measurement. On account of this difficulty, some tenants in the Mulanthuruthy Village agreed and told the *jenmi*, you may take 3/4 *edangazhi* in excess of what is stipulated in the document. Now they are taking *paravasi* and then lifting shoulder high. These are the real difficulties. So far as Government institutions are concered, Government are charitable enough in fixing the price rate of paddy. Several orders have been passed since His Highness ascended the Musnad for the payment of the price of paddy. So that, what I mean is, even His Highness the Maharaja with his practical experience in agricultural matters, has understood the gravity of the situation and has allowed the tenants to pay in money instead of in kind. Can you send a *para* of paddy by money order? I have yet to see an Anchal Office which will take a *para* of paddy to be sent? ജന്മികളെ വിഷമി പ്പിക്കുവാനുദ്ദേശ്യമായൊന്നും പറയുന്നില്ല. I only want a revision, for the sake of equity. നീതിക്കുവേണ്ടിയാണു് ഞാൻ ആവശ്യപ്പെടുന്നതു്.

And there are hundreds of other instances which I can point out requiring revision. For example, take the case of *kombuchakka*. Who is to judge what kind of *chakka* is to be given to the *jenmi*? I say the *jenmi* can insist upon it. Suppose there is a provision to give *kombuchakka*. In other places, so many leaves of cocoanut trees, cocoanut oil, so on and so forth. Who is to judge whether the *kombuchakka* will answer the particular requirements of the document? There are hundreds of cases—the particular directions in which I would require revision of the tenancy law in the Cochin State, are fixing the relations between the *jenmi* and the tenant once for all. Secondly enabling the tenant to pay in money instead of paddy or in kind. Thirdly, to make certain very hard provisions in the tenancy law equitable. I can multiply instances which seem to be unnecessary. Therefore I submit before this House that it is necessary to take up the revision of the tenancy law as early as possible. As I said, we are supported by the action of Travancore

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Government and also by the vigorous action taken by the Madras Government, which for certain reasons, on account of the constitutional deadlock, could not be completely fulfilled. I am referring to the Kuttikrishna Menon Committee. Therefore, all these questions have to be considered, revision of the documents, fixing the relations between the *jenmi* and the tenant, which are as old as 1040, 1050 or 1060 and so on. In the case of some tenures some properties might have deteriorated in value. Some might have increased in value. Equity requires that the pecuniary relation and other relations between the *jenmi* and the tenant have to be fixed. That is better for the tenant and good for the land-lord.

There also comes the question of giving fixity of tenure. That also seems to be a necessary question for consideration. Certain amendments have been accepted giving fixity of tenure to *panayam*. Therefore, for all these reasons, I would submit before this House that it is urgently necessary to take up the question of Tenancy Legislation revision.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I second this motion. I had given during the last four or five years, amendments to the Tenancy Act. One is the amendment relating to the apportionment of purchase money when *kanam* lands are acquired. According to the prevailing High Court decision, 12 Cochin, the apportionment when the *kanam* amount and the value of improvements due to the tenant have been decided, and after the amounts due to the *jenmi* and tenant are deducted, the balance is divided in the ratio one is to one. Now that should be revised. The High Court decision referred to was passed about 30 years ago. Since then the idea of the *kanam* tenure has materially changed. The rights of the tenant, so far as the *kanam* tenure is concerned, have been very much increased in value. The tenure has become irredeemable. The only right of the *jenmi* is to receive *michavaram* and renewal fees. If that is so, the tenant is entitled to enjoy possession for any length of time.

Mr. M. Sivarama Menon *(Advocate-General):* 12 Cochin relates to *kanams*, 12 years redeemable.

Mr. A. V. Moothedan *(Chalakkudi):* It was more than thirty years old. Very very old *kanams*, *kanams* of Sakthan Thampuran's time were redeemable and others were irredeemable. According to the present idea of *kanam* tenant, this apportionment is inequitable. What is the right of the *jenmi* with regard to *kanam* property? He can receive *michavaram* and renewal fees. That will be given by this, 25 times the capitalised amount of the *michavaram*. Interest on the capitalised value of *michavaram* will be equal to the yearly

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michavaram which the *jenmi* is entitled to get. Therefore the *jenmi* is not in any way affected. Half and half ratio fixed in the High Court decision is not equitable at the present times. I have been pressing this subject before the House repeatedly.

Then regarding Mr. Mathai's idea of renewal fees. It is highly inequitable. Law relating to renewal fees should be amended. There is another point. According to the present amended Act of 1113, which is the Act now in force, all *kanams* after 1090 are redeemable.

The House rose for the day at 5 p.m.

C. J. MATHEW

Secretary to the Council

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